

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

NOVEMBER 18, 1999

IN RE:

**PETITION OF NEXTLINK TENNESSEE, LLC
FOR APPROVAL OF AN INTRALATA TOLL
DIALING PARITY PLAN**

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DOCKET NO. 97-01366

ORIGINAL

**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY
IMPLEMENTATION PLAN**

This matter came before the Tennessee Regulatory Authority (the "Authority") on September 28, 1999, at a regularly scheduled Authority Conference, to consider the Petition of NEXTLINK Tennessee, LLC for approval of an IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.¹ Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for exemption, suspension or modification of the dialing parity requirements.

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 *et seq.*

FILE

The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.² On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.³

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

NEXTLINK Tennessee, LLC is a telecommunications company approved to operate under Tenn. Code Ann. § 65-4-201 as a competitive local exchange carrier to provide telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, the petitioner is required to file a plan with the Authority that provides for implementing intraLATA toll

² FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

³ AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

dialing parity in the exchanges in Tennessee where service is provided.⁴ This plan must allow customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.⁵

NEXTLINK Tennessee, LLC filed an intraLATA toll dialing plan on September 15, 1999 with an amendment on September 16, 1999. The Plan as amended, attached hereto as Exhibit A, is fully incorporated herein by this reference.

The Directors considered this plan at the September 28, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.⁶ The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method that allows customers to choose different carriers for interLATA and intraLATA service; customer notification/education procedures; and anti-slamming procedures. The Directors unanimously voted to approve the NEXTLINK Tennessee, LLC intraLATA toll dialing parity implementation plan, as amended, with the requirement that the petitioners comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

IT IS THEREFORE ORDERED THAT:

1. The amended Plan of NEXTLINK Tennessee, LLC for IntraLATA Toll Dialing Parity Implementation, a copy of which is attached as Exhibit A, is hereby approved

⁴ Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an IntraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

⁵ Pre-subscription allows the customer to place a call without dialing an access code.

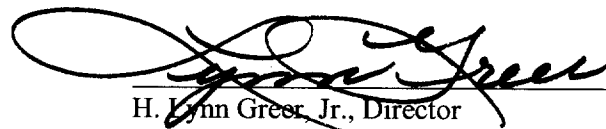
⁶ FCC Order 96-333 released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

and incorporated in this Order as if fully rewritten herein;

2. NEXTLINK Tennessee, LLC shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and


3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.


Melvin J. Malone, Chairman


H. Lynn Greer, Jr., Director


Sara Kyle, Director

ATTEST:


K. David Waddell, Executive Secretary



September 15, 1999

REC'D TN
REGULATORY AUTH.

'99 SEP 15 PM 12 20

CLERK OF THE
EXECUTIVE SECRETARY

Mr. K. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

RE: NEXTLINK IntraLATA Toll Dialing Parity Plan
Docket No. 97-01366

Dear Mr. Waddell:

Enclosed for filing with the Tennessee Regulatory Authority are an original and 13 copies of NEXTLINK's IntraLATA Toll Dialing Parity Plan. No cost recovery plan is being filed, as NEXTLINK will not be seeking to recover any costs associated with implementing intraLATA toll dialing parity in Tennessee. Similarly, no new tariff changes are being filed, as NEXTLINK's ordinary PIC-change charge will apply, and there will be no additional charge for intraLATA changes made at the same time an interLATA change is made.

We ask that this Plan be approved no later than October 1, 1999, in order that we can begin to offer intraLATA dialing parity to our customers on that date.

If you have any further questions concerning this matter, or require further information, please do not hesitate to call me at 615-777-7700.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Shaffer".

Dana Shaffer, Vice President
Legal and Regulatory Affairs

DS:jr

Regional Office

105 Molloy Street

Suite 300

Nashville, TN 37201-2315

615.777.8888

fax: 615.777.7708

BEFORE THE TENNESSEE REGULATORY AUTHORITY

IN THE MATTER OF THE FILING BY)	
NEXTLINK TENNESSEE, INC., FOR THE)	
REVIEW OF A PLAN FOR PROVIDING)	
INTRALATA TOLL DIALING PARITY)	DOCKET NO. 97-01366
IN ACCORDANCE WITH FEDERAL)	
COMMUNICATIONS COMMISSION)	
REQUIREMENTS)	

**PETITION FOR APPROVAL OF
NEXTLINK TENNESSEE'S
PLAN FOR PROVIDING TOLL DIALING PARITY**

Introduction

On February 26, 1998, in Docket No. 97-01366, the Tennessee Regulatory Authority ("the Authority") approved NEXTLINK Tennessee, Inc.'s ("NEXTLINK") IntraLATA toll dialing parity plan. NEXTLINK's plan, in effect, was a request for approval of the use of the *bona fide* request process for implementation of dialing parity pursuant to section 251(f)(2) of the Telecommunications Act of 1996 (the "Act"). Although Section 251(b)(3) of the Telecommunications Act of 1996 (the "Act"), 47 U.S.C. § 251 (b)(3), requires each local exchange carrier ("LEC") to provide dialing parity to competing providers of telephone exchange service and telephone toll service, Section 251(f)(2) permits local exchange carriers such as NEXTLINK which have fewer than two percent of the country's subscriber lines in the aggregate nationwide to petition individual state commissions for modification of the FCC's dialing parity requirements.

To ensure that each LEC is providing toll dialing parity, the Federal Communications Commission ("FCC") recently ordered LECs to file a plan for providing toll dialing parity with the state commission no later than April 22, 1999, and to have the

states review and approve such plans no later than June 22, 1999. See Order FCC 99-54, CC Docket No. 96-98, released March 23, 1999. It is NEXTLINK's position that its original plan, which was approved by the Authority on February 26, 1998, complies with this federal requirement.

NEXTLINK's original plan basically set forth a six-month process for implementing dialing parity upon receipt of a bona fide request from another carrier. To date, NEXTLINK has not received such request. Notwithstanding the foregoing, NEXTLINK, for the benefit of its customers, indicated to the Authority, in a letter dated May 21, 1999, its willingness to implement dialing parity at this time. In its regularly scheduled conference on July 27, 1999, the Authority voted to order NEXTLINK to implement dialing parity by January 27, 2000, and to resubmit its dialing parity plan sixty days before said implementation.

NEXTLINK acknowledges the Authority's intent to allow a six-month implementation period (as previously approved by the Authority as part of the "bona fide request" plan) from the date of the Authority's vote to order NEXTLINK to implement intraLATA dialing parity and the January 27, 2000 date for implementation. However, consistent with NEXTLINK's stated intent in its letter dated May 21, 1999, to begin the implementation process under its currently filed plan, NEXTLINK hereby files its Plan for Providing Toll Dialing Parity in the 901 and 615 LATAs effective October 1, 1999.

TOLL DIALING PARITY PLAN

Technical Implementation

Beginning October 1, 1999, NEXTLINK shall offer dialing parity for all intraLATA toll calls, as it currently offers for interLATA, interstate, and international calling (in all Tennessee exchanges served by NEXTLINK; initial implementation will be in the Memphis and Nashville LATAs) through use of a two PIC, or dual PIC method. Each customer requesting NEXTLINK local exchange service will be required to affirmatively select a presubscribed carrier for intraLATA toll in the same manner they currently select a presubscribed carrier for interexchange toll calls. NEXTLINK has deployed a Nortel DMS 500 switch in each of its Tennessee markets. The "2-PIC" feature of the Nortel DMS 500 allows a customer to presubscribe to a preferred carrier for intraLATA toll calls and the same or different carrier for interLATA toll calls.

Business Office Practices

In response to each request for NEXTLINK service, a NEXTLINK sales representative (or, in the case of a request for PIC change from an existing customer, a NEXTLINK customer care representative) shall inform the customer that he/she has a choice of intra and interLATA carriers, and that NEXTLINK will presubscribe the customer's toll service to the intraLATA and interLATA toll carrier(s) of the customer's choice. All carriers will be treated on a non-discriminatory basis and each customer will be required to affirmatively select an intraLATA and interLATA toll carrier. New customers will not be automatically assigned to NEXTLINK or any carrier, but must

make an affirmative choice of intraLATA (and interLATA) carrier in order to utilize direct-dial intraLATA (and interLATA) toll service from their assigned lines. If a new Customer declines to select an intraLATA carrier, they will be informed that they are being "no-PICed," which means that, in order to complete intraLATA toll calls, they must dial the access code for a particular long distance carrier. Customers can call NEXTLINK Customer Care at (615) 777-CARE or (901) 888-CARE to verify the intraLATA and interLATA carrier selections they have made on their lines.

NEXTLINK will process a customer's PIC change to a toll carrier other than NEXTLINK in the same fashion and in the same time frames as a request to presubscribe to NEXTLINK. Customers will be assessed a PIC change charge per NEXTLINK's existing tariff for presubscription changes. When customer seeks a change in their interLATA and intraLATA carriers in the same request and chooses the same carrier for both jurisdictions, only one charge will be assessed. NEXTLINK shall provide a PIC change charge waiver period as set forth in the following billing insert, which will be sent to all existing NEXTLINK customers in the first billing cycle following approval of the Plan, informing them of the availability of intraLATA dialing parity:

IMPORTANT NOTICE ABOUT LOCAL TOLL SERVICE

As of October 1, 1999, you are now able to choose your provider of "1+" local toll service. Currently, local area calls dialed as "1+ ten digit" calls are handled by NEXTLINK. This change allows you to remain with NEXTLINK or select a different long distance carrier for local toll calls. Please refer to the information pages in the front of your local telephone directory under "Long Distance – Calling Area" for a description of your local toll calling area.

If you would like to select a different carrier for your "1+" local toll service, you should contact that company. No action is required to keep NEXTLINK as your provider for

these local toll calls. NEXTLINK bills these calls at your current low Long Distance rate, with no minimum monthly fee.

From October 1, 1999, until December 15, 1999, you will be able to change your local toll carrier one time without charge. After that date, NEXTLINK's normal tariffed charge for Preferred Interexchange Carrier changes will apply to inter and/or intraLATA changes.

In responding to a communication from another interLATA telecommunications carrier, NEXTLINK's customer care representatives currently use an industry-standard Customer Account Record Exchange ("CARE") format to accept the requested change. Such changes are implemented only through a CARE request to ensure that changes are not made without appropriate authorization. Other carriers may submit a CARE request to NEXTLINK either manually or electronically. This process will be used to handle requests from other intraLATA carriers in the same manner it is currently used for interLATA change requests.

Current certificated interexchange carriers in Tennessee will be notified of NEXTLINK's intraLATA toll dialing parity implementation via letter within ten days of the Authority's approval of such plan. Carriers should provide a list of wire center serving areas in which they plan to offer intraLATA toll service in order to be included in a list of participating carriers in each of NEXTLINK's markets.

Anti-Slamming and Regulatory Compliance

NEXTLINK will comply with all rules of the FCC and the TRA, and, more specifically, with regard to intraLATA accounts, NEXTLINK shall comply with the FCC's anti-slamming provisions, 47 C.F.R. §§ 64.1100-1150. NEXTLINK shall make available a PIC-freeze option to requesting customers to protect the customer from unauthorized

changes to its selected intraLATA toll carrier, to the extent such freeze is permitted by law. No intraLATA PIC-freeze shall be implemented within 180 days of implementation of intraLATA dialing parity.

Dialing Plan

Access to Operator Services and Directory Assistance will continue to be available through the customer's local exchange carrier or interLATA carrier.¹ The following matrix outlines the routing of calls by NEXTLINK:

0	Local operator service
00	Dial to presubscribed Toll Provider Operator Services
1+10 digits	Direct dial through presubscribed intraLATA Toll Provider or interLATA Toll Provider (depending on 10-digit number dialed)
0+10 digits	Dial to presubscribed intraLATA Toll Provider or interLATA Toll Provider operator services (depending on 10 digit number dialed)
101xxxx+0	Dial around presubscribed intraLATA or interLATA Toll Provider to alternate Toll Provider operator service (identified by code used in xxxx portion of dialing request)
101xxxx+0+10 digits	Dial around presubscribed intraLATA or interLATA Toll Provider to alternate Toll Provider Operator Service (identified by code used in xxxx portion of dialing request)
101xxxx +1+10 digits	Dial around presubscribed intraLATA or interLATA Toll Provider to direct dial through alternate Toll

¹ Customer access to telephone numbers and directory listings will not be affected by implementation of intraLATA dialing parity.

Provider (identified by code used in xxxx portion of dialing request)

Cost Recovery Plan

NEXTLINK is not seeking to implement an explicit charge to recover the incremental costs of implementing intraLATA dialing parity in Tennessee.

Applicability

This plan for providing dialing parity applies to all dial-tone lines provisioned by NEXTLINK in Tennessee.

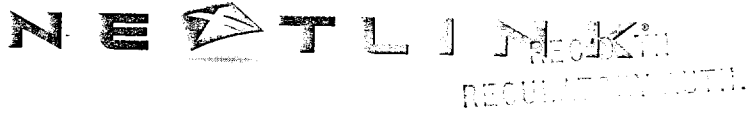
Conclusion

NEXTLINK has been successfully providing interLATA toll dialing parity since it commenced operations in Tennessee almost three years ago. NEXTLINK respectfully requests that the Commission approve its plan for providing intraLATA toll dialing parity.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Shaffer', is written over the printed name.

Dana Shaffer, Esq.
Tennessee Bar No. 16607
Attorney for NEXTLINK Tennessee, Inc.



'99 SEP 16 AM 10 53

September 16, 1999

EXECUTIVE SECRETARY

Mr. K. David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, TN 37243-0505

RE: NEXTLINK IntraLATA Toll Dialing Parity Plan
Docket No. 97-01366

Dear Mr. Waddell:

Pursuant to a staff request, enclosed is a substitute "Notice About Local Toll Service," the bill insert proposed as part of NEXTLINK's intraLATA dialing parity implementation plan.

If you have any further questions concerning this matter, or require further information, please do not hesitate to call me at 615-777-7700.

Sincerely,

Dana Shaffer, Vice President
Legal and Regulatory Affairs

DS:jr

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